

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Cochran, Development Review Specialist
 JL Joel Lawson, Associate Director Development Review
DATE: April 22, 2022

SUBJECT: BZA Case 20697 to construct and roof deck and add two units to an existing 4-unit residential apartment building at 4101 – 4103 Davis Place, N.W. in the RA-1 Zone

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of a Special Exception for:

- New Residential Development, pursuant to Subtitle U § 421.1 and Subtitle X § 901.2 in the RA-1 zone.

OP has also asked the applicant to provide information about the management, storage and - if appropriate – screening of the building’s trash containers.

II. LOCATION AND SITE DESCRIPTION

Address	4101 – 4103 Davis Place, N.W.
Applicant	4101 – 03 Davis, LLC
Legal Description	Square 1708, Lot 21
Ward, ANC	3/ANC 3B
Zone	RA-1 (Residential Apartment Zone) allows for single-family and detached homes as a matter-of-right, and apartment homes by special exception.
Historic District	N/A
Lot Characteristics	The 3,261 square foot rectangular lot is generally flat but there is a raised berm and retaining wall adjacent to Davis Place. This makes the lot a few feet higher in the front than in the back. It is bounded by Davis Place (south), a public alley (west) a two-unit residential building (east) and a multi-family residential building (north).
Existing Development	The lot is improved with a semi-detached two-story plus basement, four-unit apartment building.
Adjacent Properties	There is a two-story, 2-unit residential building to the east; a two-story apartment building to the north; and a four-story apartment building to the west, across a public alley.

Surrounding Neighborhood Character	The neighborhood is residential, consisting of duplexes and small apartment buildings. Glover-Archbold Park is a half-block to the west. The Wisconsin Avenue commercial uses in Glover Park are approximately three blocks to the east. The Stoddert Elementary School and recreation center is less than a block to the southeast.
Project Proposal	The project would expand the 4-unit apartment building by adding two new units in the cellar for a total of six 2-bedroom, 2-bath units. Light would be provided to the new units by 6 window wells, two of which would be located outside the building restriction line and would be reviewed by the Public Space Committee. There would also be a new penthouse and roof deck serving the two top-floor units, and patios serving ground floor units. The expansion would not trigger an Inclusionary zoning requirement.



Figure 1, Location and Zoning Map

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RA-1 Zone	Regulation	Existing	Proposed	Relief:
Lot Width	n/a	64 ft.	No change	None required
Lot Area	n/a	3,261sq. ft.	No change	None required
Height F § 303	40 ft. max. / 3 stories max.	24 ft. 3 in. 2 stories	No change	None required
Floor Area Ratio F § 302, F§ 5206.1	0.9 max.	1.05	No change	Existing non-conformity
Penthouse Height F § 303.2	12 ft. max	n/a	10 in. 6 in.	None required
Penthouse FAR C § 1505.2	0.4 FAR	0	0.2	None required
Lot Occupancy F § 304	40% max.	52%	No change	Existing non-conformity
Rear Yard F § 305	20 ft. min.	9 ft. 6 in.	No change	Existing non-conformity
Side Yard F § 306	Not less than 8 ft. on one side	7'	No change	Existing non-conformity
Vehicle Parking C § 701	1 parking space min. (1 / 3 units in excess of 4)	0	0	None required ¹
GAR F § 307	0.4	Not provided	0.5	None required
New Residential Development U § 421.1	Special Exception review	Apartment house. 4 units	Apartment House. 6 units	Special Exception Requested

IV. OFFICE OF PLANNING ANALYSIS

A. Special Exception Relief Under Subtitle U § 421.1, New Residential Development.

421.2 *The Board of Zoning Adjustment shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:*

(a) Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and

The application was forwarded to the Office of the State Superintendent of Education (OSSE), which had not commented at the time OP completed its report. DC Public Schools' (DCPS) on-line data indicates the utilization rate of the schools is:

- Stoddard Elementary School and temporary facilities– 101%

¹ ZA memo dated April 12, 2022 (Exhibit 29B)

- Hardy Middle School – 98%
- Jackson-Reed (formerly Wilson) High School – 102%

Since students have the by-right option to attend their in-boundary schools, the above schools would accept in-boundary enrollment should the two additional units contain families that decide to enroll children within their school boundary.

(b) Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.

The application was referred to the District Department of Transportation (DDOT) for comment (Exhibit 16). DDOT had not provided comments at the time OP completed its report. However, OP notes that the property is served by one bus line within one block and by two bus lines ~0.5 miles away on Wisconsin Avenue

The application was referred to the Department of Parks and Recreation (DPR) for comment and recommendation (Exhibit 16). To date, comments have not been filed to the record, but the property is located less than a block east of Glover-Archbold Park, and a half-block northwest of the Stoddard Recreation Center.

Neighborhood-serving retail and commercial uses are approximately 0.5 miles to the east, along Wisconsin Avenue.

421.3 The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.

Site Plan and Arrangement of Buildings and Provision of Light and Air

There is one building on the property. It is nonconforming with current requirements for FAR, lot occupancy, rear yard and side yard requirements. There would be no increase in these non-conformities or any addition of non-conformities because the new units would be located in existing space that is not considered in FAR calculations. The new cellar units should receive adequate light and air via window wells with widths ranging from 8 ft.6 in. to 16 ft.4 in. and uniform depths from the building wall of 3 ft.8 in. Five of the six units would have either patios or roof decks. Together the window wells, patios and roof decks, as well as the existing windows, should provide adequate light and air for the units.

The building is set back to the building restriction line 15 feet back from the Davis Place front property line. It is across a 16-foot-wide alley from the apartment building to the west. The building orientation would not be altered, and the penthouse would be appropriately set back. With no increase in the building height and with the new penthouse being about 1.5 feet less tall than permitted and set back at a 1:1 ratio, there should be no adverse impact on the light and air available to nearby buildings.

No new windows above grade are proposed. In addition, there are large shade trees along public space, and within the neighboring yards which currently provide shade to the subject and two abutting properties.

Parking, Recreation, Landscaping, and Grading

There currently is no parking. No new parking spaces are proposed, and the Zoning Administrator has determined that no parking spaces are required (Exhibit 29B). The property is reasonably well-served by public transit at Davis Place and 41st Street and on Wisconsin Avenue. The applicant has also illustrated the general availability of street parking spaces near the site (Exhibit 29A pages 15-16).

The applicant provided a landscaping plan (Exhibit 29A, page 17). Other than excavation for the window wells and a staircase, there would be no change to existing grades, including the front berm. Two trees would be removed in coordination with the Urban Forestry Administration, and several new smaller trees and shrubs would be planted. Pervious pavers would replace existing non-pervious surfaces at the rear of the property. The project would satisfy the required GAR score (0.4).

Trash receptacles would be located at the rear of the building and would be screened by a 42 in. tall fence screen/enclosure, which in combination should minimize views from the alley and adjacent neighbors.

Relationship to Public Plans

OP is aware of no approved public plans that would impact the proposed project, or *vice versa*.

421.4 In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.

The submitted plan has the required information.

B. Special Exception Relief Under Subtitle X § 901.2:

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

Approval of a special exception for the proposed addition of two units to the existing 4-unit building would be generally consistent with the purposes of the RA-1 (Residential Apartment Zone), which allows for single-family and detached residences as a matter-of-right, and apartment residences by special exception, provided the relevant conditions are satisfied.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

As discussed above, the requested special exception would not appear to adversely impact the use of neighboring property. The additional two units would be in space that is already below-grade and there would be no increase in the existing non-conformities, nor the addition of new non-conformities. The above grade construction of a penthouse and roof deck would be below the maximum permitted height and bulk and would be appropriately set-back from the building walls. As discussed within the criteria of U § 421 above, the proposal should not tend to adversely affect the use of neighboring property.

iii. Would the proposal meet conditions specified by the title?

As indicated above, the proposal would meet the conditions of U § 421.

V. OTHER DISTRICT AGENCIES

No other District agencies had filed comments to the record at the time OP completed its report.

VI. ADVISORY NEIGHBORHOOD COMMISSION

At Exhibit 32 is a memo from ANC 3B indicating support for the application.

VII. COMMUNITY COMMENTS TO DATE

As of April 13, 2022 there were 10 letters from nearby residents in support of the application (Exhibits 19 – 29).